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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 BARBARA STUART ROBINSON,

11 Plaintiff,

12 v.

13 GREATER LAKES RECOVERY
14 CENTER,

Defendant.

CASE NO. 3:19-cv-05695 RJB

ORDER ON MOTION TO
PROCEED IN FORMA PAUPERIS
AND GRANTING LEAVE TO
AMEND COMPLAINT

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16 The District Court has referred this matter to the undersigned pursuant to General Order
17 02-19. Plaintiff, who is *pro se*, filed her initial application to proceed *in forma pauperis* (“IFP”)
18 on July 29, 2019. Dkt. 1. Plaintiff’s IFP application was deficient and she was granted leave to
19 correct it. Dkts. 3, 4. Before the Court is plaintiff’s second IFP application and complaint. Dkt. 6.
20 Plaintiff has also filed a notice of removal. Dkt. 5.

21 Because plaintiff seeks to proceed IFP, her complaint is subject to *sua sponte* dismissal if
22 it fails to state a claim upon which relief is granted. *See* 28 U.S.C. § 1915(e)(2). However,
23 because plaintiff is *pro se*, if the complaint is subject to dismissal, the Court will afford plaintiff
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1 the opportunity to amend his complaint unless it is clear that no amendment could save the
2 complaint. *See Jackson v. Carey*, 353 F.3d 750, 758 (9th Cir. 2003).

3 The proper forms and information for *pro se* filers, including a *pro se* handbook, can be
4 found on the district court's website at [https://www.wawd.uscourts.gov/representing-yourself-](https://www.wawd.uscourts.gov/representing-yourself-pro-se)
5 *pro-se*.

6 7 DISCUSSION

8 When a plaintiff is proceeding *pro se*, this Court must “construe the pleadings liberally
9 and . . . afford the [plaintiff] the benefit of any doubt.” *Hebbe v. Pliler*, 627 F.3d 338, 342 (9th
10 Cir. 2010) (quoting *Bretz v. Kelman*, 773 F.2d 1026, 1027 n. 1 (9th Cir. 1985) (en banc)); *see*
11 *also Estelle v. Gamble*, 429 U.S. 97, 106 (1976); Fed. R. Civ. P. 8(e) (“Pleadings must be
12 construed so as to do justice”). Nonetheless, Federal Rules of Civil Procedure 8 requires a
13 complaint to contain “a short and plain statement of the claim showing that the pleader is entitled
14 to relief.” Fed. R. Civ. P. 8(a). “Each allegation must be simple, concise, and direct.” Fed. R.
15 Civ. P. 8(d). Moreover, a complaint must contain sufficient factual information to “state a claim
16 for relief that is plausible on its face.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 550 (2007).

17 *Pro se* litigants must “abide by the rules of the court in which he litigates.” *Carter v.*
18 *Commissioner of Internal Revenue Service*, 784 F.2d 1006, 1008 (9th Cir. 1986). This Court will
19 not supply essential elements of the claim that were not initially pled. *Pena v. Gardner*, 976
20 F.2d 469, 471–72 (9th Cir. 1992).

21 Plaintiff states that the basis for federal court jurisdiction is “US CONSTAMENDMENT
22 X- ABRIDGED RIGHTS 18 US CODE 242.” Dkt. 6-1 at 3. Specifically, plaintiff states that
23 defendant Greater Lakes Discovery Center “willfully subjected deprivation of state law and
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1 deprived rights under statutory rights RCW 10.77.088(1)(B)(ii) were not the powers not
2 delegated to the United States by the Constitution, nor prohibited by it to the States, reserved to
3 the States respectively, or to the people by a medical facility.” Dkt. 6-1 at 3.

4 Plaintiff states that the amount in controversy is more than \$75,000 because “defendants
5 failed to release the plaintiff due to her disability and its failure of its health care entity facilities
6 to accommodate the needs of plaintiffs violated Rights and Law prohibiting Discrimination
7 based on disability, consistent with the requirements of the Americans with Disabilities Act
8 (ADA) and Statutory Laws and Procedures entitled the plaintiff . . . to relief.” Dkt. 6-1 at 5.

9 In her statement of the claim, plaintiff states that “the defendants failed to release the
10 plaintiff due to her disability and subjected deprivation of Rights, an amended court order that
11 only required . . . only a 72 hour evaluation without treatment but instead, the defendants
12 deprived the plaintiff of Rights under the color of State Law RCW 10.77.088; RCW 71.55 and
13 subjected plaintiff to discrimination.” Dkt. 6-1 at 5.

14 Construed liberally, plaintiff claims that defendants violated state and federal laws by
15 failing to release plaintiff after a court ordered 72-hour evaluation.

16 Plaintiff’s claim for relief repeats plaintiff’s prior statements that defendants “subjected
17 the plaintiff to deprivation of rights due to her disability . . . and caused plaintiff to suffer
18 damages, loss, humiliation, [d]eprivation of Civil Rights and the plaintiff is entitled to relief.”
19 Dkt 6-1 at 5. However, plaintiff does not state what relief she is entitled to.

20 It appears that plaintiff has a viable claim for relief, but plaintiff does not state what relief
21 she is seeking. Plaintiff alleges that the amount in controversy exceeds \$75,000, but does not say
22 what amount of damages she is seeking. According to Rule 8 of the Federal Rules of Civil
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1 Procedure, a claim for relief must contain “a demand for relief sought, which may include
2 alternative or different types of relief.” Fed. R. Civ. P. 8(a)(3).

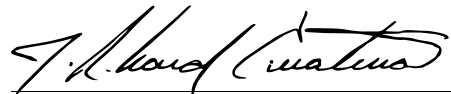
3 Plaintiff is granted thirty days to amend her complaint to include what relief she is
4 seeking.

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6 CONCLUSION

7 Plaintiff’s Motion for Leave to Proceed In Forma Pauperis (Dkt. 6) is denied. Plaintiff is
8 granted leave to amend her complaint and must do so by November 26, 2019. Failure to properly
9 amend the complaint may result in the denial of plaintiff’s IFP application and dismissal of her
10 claim.

11 The Clerk of the Court is directed to note November 26, 2019 as the deadline for
12 plaintiff’s amended complaint.

13 Dated this 28th day of October, 2019.

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17 J. Richard Creatura
18 United States Magistrate Judge
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